

REMARKS

This is in response to the Office Action mailed August 20, 2007. Claims 64-65, 71-72, 76-77, 87-88, and 108-109 have been amended. Claims 74-75, 85-86 and 96-97 have been canceled. New claims 110 and 111 have been added. Support for the amendments to the claims can be found throughout the originally filed application, as indicated below. Support for new claims 110 and 111 can be found in previously presented claims 108 and 109, and claims 64, 76 and 87, respectively. No new matter is introduced. These amendments do not narrow the scope of the claims but rather clarify certain embodiments. Applicants reserve the right to pursue cancelled subject matter in a continuation application.

Independent claim 64 and its dependent claims 65-73 and 98, independent claim 76 and its dependent claim 77-84, 99 and 101-110, independent claim 87 and its dependent claim 88-95 and 100, and independent claim 111 are currently pending and at issue.

35 U.S.C. § 102

In the August 20, 2007 Office Action, claims 64-70 and 72-109 were rejected under 35 U.S.C. § 102(e) as being anticipated by Michal (U.S. Patent No. 6,287,285). The Examiner asserts that the broadest reasonable interpretation of the term "substrate" is not limited to one material or one layer of material and that the substrate is defined merely as an object or article in which layers of material are applied. The Examiner concludes that the scope of the term substrate would include multi-layered objects or articles, including substrates that comprise coatings.

The Applicants appreciate the telephonic discussions of October 5 and 12, 2007

with the Examiner. As agreed on during the discussion, amending claims 64, 76 and 87 to recite that the insertable medical instrument is "non-layered" would address the Examiner's broad interpretation and would obviate the present rejections. These amendments are fully supported in the originally filed application, e.g., the non-layered devices of Examples 1-9. Also, the claims were amended to remove duplicative language, e.g., referring to a substrate and an instrument. The dependent claims all depend, either directly or indirectly, from these independent claims, and thus incorporate all of their elements. All of the rejections are now moot in light of the current amendments and the previously filed June 13, 2007 arguments traversing the reference rejections, which are not reiterated here for purposes of brevity (but are relied upon and incorporated herein by reference).

Accordingly, Applicants respectfully request that the rejections of the currently pending claims be withdrawn.

35 U.S.C. § 103

Claim 71 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Michal (U.S. Patent No. 6,287,285) in view of Goldberg (U.S. Patent No. 5,804,263). Applicants respectfully traverse.

Claim 71 is a dependent claim based on claim 64. As discussed above, amended claim 64 is novel and not obvious over Michal. Claim 71 is also novel and not obvious because Michal does not teach, disclose or suggest all the elements of the claim, e.g., a substrate formed from polymers or copolymers of silicon. Moreover, one skilled in the art would not be motivated to combine the teaching of Michal with Goldberg, because Goldberg teaches away from Michal. Michal discloses and requires a binding component

and a grafting component polymerized and crosslinked to the binding component (e.g., throughout specification and claim 1).

Goldberg discloses methods and materials with modified surfaces using gamma-irradiation or electron beam irradiation induced polymerization (e.g., throughout specification and claim 1). Goldberg teaches away from other methods of surface grafting of hydrophilic monomers onto hydrophobic polymers for a variety of reasons, e.g., because of the relatively high penetration power of the radiation required for grafting, permanent chemical and structural changes such as cross-linking and degradation are commonly encountered (col. 1, l. 66 to col. 2, l. 17).

Because Goldberg teaches away from the disclosure of Michal, one skilled in the art would not be motivated to combine the two teachings.

Accordingly, Applicants respectfully request that the rejection of claim 71 over Michal and Goldberg be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of claims 64-73, 76-84, 87-95 and 98-111 and that the application be passed to issue. If the Examiner believes, for any reason, that personal

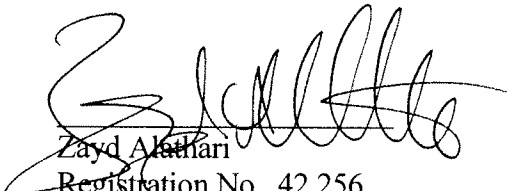
communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

We believe that no additional fees are due. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 32286-232713.

Respectfully submitted,

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